

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ASHLEY MARIE SCHARDEIN,

Defendant.

Case No. CR-21-151-TDD

**DEFENDANT SCHARDEIN'S MOTION IN ACCORDANCE WITH THE
COURT'S ORDER ALLOWING ARGUMENT ON THE IMPLICATIONS
OF THE TENTH CIRCUIT'S UNPUBLISHED ORDER IN *UNITED
STATES V. SHELL* TO THE INSTANT CASE**

Defendant Ashley Marie Schardein (“Ms. Schardein”), by and through undersigned counsel, respectfully files this motion, in accordance with the Court’s Order [Doc. 303] granting leave to the parties to file a brief addressing the implications of the Tenth Circuit’s unpublished order and judgment in *United States v. Shell*, No. 23-5086 (10th Cir. July 18, 2024). Ms. Schardein contends that, in accordance with *Shell*, her child abuse conviction should be reversed because she was improperly charged under the assimilation of the assaultive provisions of Oklahoma’s child abuse statute via the Assimilative Crimes Act (“ACA”). Ms. Schardein is filing her brief contemporaneously with this motion.

Dated this 8th day of October 2024.

Gainor & Donner

/s/ Ronald Gainor

Ronald Gainor
10722 Ashford Circle
Highlands Ranch, CO 80126
720-201-3036
Email: gainorlaw@gmail.com
Attorney for Defendant

BUTLER, LANDRUM & PIERCE, P.C.

/s/ Lynn A. Pierce

Lynn A. Pierce #18953

720 Kipling Street, Suite 201

Lakewood, CO 80215

(303) 232-3888

lpierce.blp@comcast.net

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of October 2024, a true and correct copy of the foregoing was filed with the Clerk of Court via CM/ECF, which will send notification of such filing to all counsel of record.

/s/ Lynn Pierce